

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
BUFFALO DIVISION**

Carlanda D. Meadors, an	)	
Individual, et. al.,	)	
	)	Case No. 21 CV 982 JLS
Plaintiffs,	)	
	)	<b>INTERVENOR-APPELLANT'S</b>
vs.	)	<b>DESIGNATION OF THE RECORD</b>
	)	
Erie County Board of Elections	)	
	)	
Defendant.	)	
And	)	
	)	
India Walton, and individual	)	
	)	
Defendant-Intervenor	)	
	)	

**INDEX TO RECORD ON APPEAL**

District Court (WDNY) Docket Record, Case No. 21 CV 982

A copy of the complete district court docket sheet is attached.

Intervenor-Appellant, India B. Walton hereby designates the following documents from the docket of this matter.

Item Number	Date Filed	Docket Description	District Court Docket No.
<u>1</u>	08/30/2021	COMPLAINT against Erie County Board of Elections, filed by Carlanda D. Meadors, Leonard A. Matarese, Jomo D. Akono.(SG) (Entered: 08/30/2021)	1
<u>2</u>	08/30/2021	MOTION for Temporary Restraining Order by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors.(SG) (Entered: 08/30/2021)	2

<u>3</u>	08/30/2021	MEMORANDUM in Support re <u>2</u> MOTION for Temporary Restraining Order filed by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (SG) (Entered: 08/30/2021)	3
<u>4</u>	08/30/2021	MOTION to Expedited Hearing by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors.(SG) (Entered: 08/30/2021)	4
<u>5</u>	08/30/2021	DECLARATION signed by Bryan Sells re <u>4</u> MOTION to Expedite filed by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (SG) (Entered: 08/30/2021)	5
<u>6</u>	08/30/2021	ORDER granting Plaintiffs' <u>4</u> motion to expedite. The plaintiffs shall serve their motion and a copy of this order on counsel for the defendant no later than August 31, 2021. Defendant's response is due by September 2, 2021 at 4:00 PM. Motion Hearing set for September 3, 2021 at 10:30 AM in the Chautauqua Courtroom, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. John L. Sinatra, Jr. Signed by Hon. John L. Sinatra, Jr. on 8/30/2021. (KLH) (Entered: 08/30/2021)	6
<u>7</u>	09/01/2021	AFFIDAVIT of Service for Order with all motion papers and commencement documents served on Erie County Board of Elections on August 31, 2021, filed by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (Callocchia, Frank) (Entered: 09/01/2021)	7
<u>8</u>	09/01/2021	AFFIDAVIT of Service for All motion and commencement documents served on Michael A. Siragusa, Erie County Attorney, Counsel for Defendant Erie County Board of Elections on August 31, 2021, filed by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (Callocchia, Frank) (Entered: 09/01/2021)	8
<u>9</u>	09/01/2021	AFFIDAVIT of Service for Order with all motion papers and commencement documents served on Jeremy C. Toth, First Assistant Erie County Attorney, Counsel for Defendant Erie County Board of Elections on August 31, 2021, filed by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (Callocchia, Frank) (Entered: 09/01/2021)	9

<u>10</u>	09/01/2021	AFFIDAVIT of Service for Order with all motion papers and commencement documents served on Michael A. Siragusa, Erie County Attorney, Counsel for Defendant Erie County Board of Elections on August 31, 2021, filed by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (Callocchia, Frank) (Entered: 09/01/2021)	10
<u>11</u>	09/01/2021	Emergency MOTION to appear pro hac vice ( Filing fee \$ 200 receipt number 0209-4347468.) by Jomo D. Akono, Leonard A. Matarese, Carlanda D. Meadors. (Attachments: # <u>1</u> Exhibit Petition for attorney admission, # <u>2</u> Exhibit Sponsoring Attorney Affidavit, # <u>3</u> Exhibit Attorney's Oath, # <u>4</u> Exhibit Civility Oath, # <u>5</u> Exhibit Attorney Database and Electronic Case Filing Registratoin Form, # <u>6</u> Exhibit Certificate of Good Standing)(Callocchia, Frank) (Entered: 09/01/2021)	11
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<u>13</u>	09/01/2021	NOTICE of Appearance by Jeremy C. Toth on behalf of Erie County Board of Elections (Toth, Jeremy) (Entered: 09/01/2021)	13
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<u>15</u>	09/02/2021	AFFIDAVIT in Opposition re <u>2</u> MOTION for Temporary Restraining Order filed by Erie County Board of Elections. (Attachments: # <u>1</u> Exhibit B - List of Candidates in Erie County, # <u>2</u> Exhibit C - Newspaper Articles, # <u>3</u> Exhibit E - Declaration of Attorney from State BOE, # <u>4</u> Exhibit F - Federal Orders, # <u>5</u> Exhibit G - 2021 NYS political calendars, # <u>6</u> Exhibit H - Verified Petition in State Court, # <u>7</u> Memorandum in Support Memo of Law in Opposition to Application for TRO, # <u>8</u> Certificate of Service)(Toth, Jeremy) (Entered: 09/02/2021)	15

<u>16</u>	09/02/2021	MOTION Intervene by India B Walton. (Attachments: # <u>1</u> Motion to Intervene, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Affidavit Inda B. Walton)(Cooney, Sean) (Entered: 09/02/2021)	16
<u>17</u>	09/02/2021	MOTION to Expedite <i>Hearing for Motion to Intervene</i> by India B Walton. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)(Cooney, Sean) (Entered: 09/02/2021)	17
<u>18</u>	09/02/2021	MEMORANDUM in Opposition re <u>2</u> MOTION for Temporary Restraining Order filed by India B Walton. (Cooney, Sean) (Entered: 09/02/2021)	18
<u>19</u>	09/02/2021	CONTINUATION OF EXHIBITS by Erie County Board of Elections. to <u>15</u> Affidavit in Opposition to Motion,, <i>EXHIBIT C - Independent Nominating Petition</i> filed by Erie County Board of Elections. (Toth, Jeremy) (Entered: 09/02/2021)	19
<u>20</u>	09/02/2021	ANSWER to <u>1</u> Complaint by India B Walton.(Cooney, Sean) (Entered: 09/02/2021)	20
<u>21</u>	09/02/2021	CONTINUATION OF EXHIBITS by Erie County Board of Elections. to <u>15</u> Affidavit in Opposition to Motion,, <i>EXHIBIT A Bill Jacket</i> filed by Erie County Board of Elections. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Toth, Jeremy) (Entered: 09/02/2021)	21
<u>22</u>	09/02/2021	Letter filed by Erie County Board of Elections as to Erie County Board of Elections <i>requesting relief from Local Rule 7.1(f)</i> . (Toth, Jeremy) (Entered: 09/02/2021)	22
23	09/02/2021	ORDER granting <u>17</u> Motion to Expedite. Proposed Intervenor India Walton shall serve the motion for expedited hearing and motion to intervene, as well as a copy of this order, on counsel for Plaintiffs and Defendant no later than September 3, 2021 at 10:30 a.m. Proposed Intervenor India Walton shall also send courtesy copies by email to counsel for Plaintiffs and Defendant no later than September 2, 2021 at 8:00 p.m. Motion hearing set for September 3, 2021 at 10:30 am in the Chautauqua Courtroom, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. John L. Sinatra, Jr. Issued by Hon. John L. Sinatra, Jr. on 9/2/2021. (CJG) (Entered: 09/02/2021)	23

<u>24</u>	09/02/2021	NOTICE of Appearance by Frank T. Housh on behalf of India B Walton (Housh, Frank) (Entered: 09/02/2021)	24
<u>25</u>	09/03/2021	AMENDED COMPLAINT against All Defendants, filed by Carlanda D. Meadors, Leonard A. Matarese, Jomo D. Akono, Kim P Nixon-Williams, Florence E Baugh. (Attachments: # <u>1</u> redline version of first amended complaint)(Sells, Bryan) (Entered: 09/03/2021)	25
26	09/03/2021	Minute Entry for proceedings held before Hon. John L. Sinatra, Jr.: Motion Hearing held on 9/3/2021 re <u>2</u> Motion for Temporary Restraining Order and <u>16</u> Motion to Intervene. Court grants Defendant-Intervenor India Walton's motion to intervene in this action. Text order to follow. For reasons stated on the record, the Court grants Plaintiffs' motion for Temporary Restraining Order and, with consent of the parties, converts the Temporary Restraining Order to an Order for Preliminary Injunction. Court transcript will constitute the written decision of the Court. Text Order to follow.  Appearances. For plaintiffs: Frank Callocchia and Bryan Sells. For defendant Erie County Board of Elections: Jeremy Toth. For Intervenor-Defendant India Walton: Sean Cooney and Frank Housh. (Court Reporter Bonnie Weber) (KLH) (Entered: 09/03/2021)	26
27	09/03/2021	TEXT ORDER: Defendant-Intervenor India B. Walton's <u>16</u> Motion to Intervene is GRANTED. SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 9/3/2021. (KLH) (Entered: 09/03/2021)	27
28	09/03/2021	TEXT ORDER: Upon consideration of the briefing and arguments of counsel, and for good cause shown, it is ordered that the motion for preliminary injunction (Dkt. #2) is GRANTED. Accordingly, the Erie County Board of Elections, along with its officers, agents, servants, employees, attorneys, and all those in active concert with them, are hereby enjoined from enforcing Section 6-158(9) of the New York Election Law against candidate Byron W. Brown and from failing to put his name on the 2021 general election ballot as an independent candidate	28

		for the Mayor of Buffalo. The Board of Elections is ordered to place Byron W. Brown on the 2021 Election Ballot as an independent candidate for Mayor of Buffalo. IT IS SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 9/3/2021. (KLH) (Entered: 09/03/2021)	
29	09/03/2021	<p>TEXT ORDER: Pursuant to 28 U.S.C. § 2403(b) and Federal Rule of Civil Procedure 5.1(b), the Court hereby certifies that a civil action has been filed wherein the constitutionality of N.Y. Election Law § 6-158(9) has been questioned. The Clerk of Court is directed to cause the United States Marshals Service to serve a copy of this Text Order upon the State of New York as follows:</p> <p>Attention Michael J. Russo Assistant Attorney General In Charge Main Place Tower Suite 300A 350 Main Street Buffalo, NY 14202</p> <p>and</p> <p>Office of the Attorney General The Capitol Albany, NY 12224-0341 Attention: A&amp;O/Personal Service</p> <p>Additionally, the Clerk of Court is directed to forward a copy of this Text Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office: Michael.Russo@ag.ny.gov. IT IS SO ORDERED. Issued by Hon. John L. Sinatra, Jr. on 9/3/2021. (KLH)</p> <p>-CLERK TO FOLLOW UP- (Entered: 09/03/2021)</p>	29
<u>30</u>	09/07/2021	NOTICE OF APPEAL as to 28 Order on Motion for TRO,,, by India B Walton. Filing fee \$ 505, receipt number 0209-4351369. (Cooney, Sean) (Entered: 09/07/2021)	30
<u>31</u>	09/07/2021	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings, held on September 3, 2021, before District Judge, the Honorable John L. Sinatra, Jr..	31

		Court Reporter/Transcriber Bonnie S. Weber, Bonnie_Weber@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 9/28/2021. Redacted Transcript Deadline set for 10/8/2021. Release of Transcript Restriction set for 12/6/2021. (BSW) (Entered: 09/07/2021)	
<u>32</u>	09/07/2021	NOTICE OF APPEAL as to 28 Order on Motion for TRO,,, by Erie County Board of Elections, Ralph M. Mohr, Jeremy J Zellner. Filing fee \$ 505, receipt number 0209-4352517. (Toth, Jeremy) (Entered: 09/07/2021)	32
<u>33</u>	09/17/2021	ORDER of USCA as to <u>32</u> Notice of Appeal filed by Ralph M. Mohr, Erie County Board of Elections, Jeremy J Zellner, <u>30</u> Notice of Appeal filed by India B Walton; ORDERED that the motion for a stay of the district court's order granting a preliminary injunction pending appeal is GRANTED. It is further ORDERED that the motion of the Election Commissioner's Association for the State of New York for leave to file an amicus brief is GRANTED. (SG) (Entered: 09/17/2021)	45

DATED: Buffalo, New York  
September 21, 2021

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